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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE OF GLADYS FUJIWARA et al., and  
JOHN FUJIWARA, individually and as Personal  
Representative of the Estate of Gladys Fujiwara,

Defendants.

Adv. Pro. No. 10-04289 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and John Fujiwara, in his individual capacity and as Personal Representative of the Estate of Gladys Fujiwara, and the Estate of Gladys Fujiwara (together, “Defendants” and with the Trustee, the “Parties”), by and through their counsel, Brian Neville, Esq. and Steven Davis, Esq., hereby stipulate and agree to the following:

1. On November 26, 2010, the Trustee filed and served a complaint against Gladys Fujiwara and John Fujiwara;
2. On September 18, 2015, Gladys Fujiwara and John Fujiwara filed an answer to the complaint;
3. On May 18, 2016, Gladys Fujiwara died.
4. Counsel for the Parties thereafter filed a *Stipulation and [Proposed] Order for Substitution of Defendant*, whereby they sought to substitute, in the place of Gladys Fujiwara as a defendant, the Estate of Gladys Fujiwara and Mr. Fujiwara, in his capacity as the personal representative of the Estate of Gladys Fujiwara, and on June 8, 2017, the Bankruptcy Court so ordered the *Stipulation and Order for Substitution of Defendant* (ECF No. 65);
5. On January 6, 2020, the Parties, among others, entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without

prejudice and without costs to the Parties, subject to the Trustee having the right to re-open this adversary proceeding in the event of an uncured default under the Settlement Agreement or a certain note or a certain mortgage attached thereto.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

Dated: New York, New York  
January 16, 2020

Of Counsel:

**BAKER HOSTETLER LLP**

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Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L.  
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*Attorney for Defendants*

**SO ORDERED**

**Dated: January 16<sup>th</sup>, 2020**  
**New York, New York**

**/s/ STUART M. BERNSTEIN**  
**HON. STUART M. BERNSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**